Chapter 408 - DRIVERS' LICENSES FOR PUBLIC VEHICLES

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Sec. 408. - Driver's License for Public Vehicles.

No person shall drive a taxicab, limousine, handicapped livery vehicle, pedicab or animal-drawn carriage unless duly licensed as hereinafter provided.

(C.O. 408; a. Ord. No. 132-1968, eff. May 3, 1968; reordained as C.M.C. 408, eff. Jan. 1, 1972; a. Ord. No. 589-1974, eff. Jan. 1, 1975; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 142-1990, eff. April 25, 1990; a. Ord. No. 259-1995, eff. Sept. 1, 1995)

Sec. 408-1. - Application.

Every applicant for a license as a driver of a taxicab, motor bus, handicapped livery vehicle, pedicab or animal-drawn carriage shall make application to the chief of police or his designee on forms to be supplied by the chief of police or his designee. The application shall set forth that the applicant is:

(a) Able to speak, read and write the English language;

- (b) Eighteen years of age or over and must present a valid operator's license as approved by the chief of police or his designee;
- (c) Free of defective vision, defective hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, which would render the applicant unfit for safe operation of a public vehicle:
- (d) Not addicted to the use of alcohol or drugs, and such other pertinent information as the chief of police or his designee may require. The application shall be sworn to by the applicant.

Every applicant for a license to drive a handicapped livery vehicle shall also produce satisfactory evidence that the applicant has completed a course in first aid and life saving, approved by the chief of police or his designee, and in addition, a certificate from a reputable physician stating that the applicant is free from communicable diseases.

The applicant shall file with the application two photographs of the applicant of a size designated by the chief of police or his designee, which photographs shall have been taken within the 30 days preceding the date of the application.

(C.O. 408-1; a. Ord. No. 132-1968, eff. May 3, 1968; a. Ord. No. 195-1969, eff. May 14, 1969; reordained as C.M.C. 408-1, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 259-1995, eff. Sept. 1, 1995; a. Ord. No. 0037-2009, §§ 1, 2, eff. March 11, 2009)

Sec. 408-3. - Driver's License Fee.

Every driver of a taxicab, limousine, handicapped livery vehicle, pedicab, motor bus and animal-drawn carriage shall pay to the city treasurer the sum of \$38.00 upon issuance of a driver's license, and the sum of \$20.00 per year for each renewal.

(C.O. 408-2; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; a. Ord. No. 57-1971, eff. Feb. 10, 1971; renumbered to C.M.C. 408-3, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 493-1975, eff. Oct. 15, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 259-1995, eff. Sept. 1, 1995; Emer. Ord. 463-2010, § 11, eff. Dec. 30, 2010)

Sec. 408-5. - Examination of Applicant.

After complying with the provisions of Section 408-1, every applicant shall be examined by the chief of police or his designee as to the applicant's knowledge of the provisions governing the operation of taxicabs, limousines, pedicabs, motor buses and animal-drawn carriages and as to knowledge of the city of Cincinnati and the traffic regulations. The applicant shall produce evidence of at least six months' experience in operating a motor vehicle or animal-drawn carriage, or successful completion of a course in the operation of a motor vehicle or animal-drawn carriage given by a school approved by the chief of police or his designee, or both, and shall, if required, demonstrate the applicant's skill and ability.

(C.O. 408-3; a. Ord. No. 47-1971, eff. Feb. 10, 1971; renumbered to C.M.C. 408-5, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 259-1995, eff. Sept. 1, 1995; a. Ord. No. 0037-2009, §§ 3, 4, eff. March 11, 2009)

Sec. 408-7. - Issue or Denial or License.

If satisfied that an applicant is a suitable and proper person to drive a taxicab, limousine, pedicab, motor bus or animal-drawn carriage, the chief of police or his designee shall notify the city treasurer in writing; and the city treasurer shall issue a license to applicant upon payment of the proper fee. If the chief of police or his designee is satisfied that the applicant is qualified to drive a motor bus, the chief of police or his designee may instruct the city treasurer to issue the applicant a license as a motor bus operator at no additional fee.

(C.O. 408-4; a. Ord. No. 47-1971, eff. Feb. 10, 1971; renumbered to C.M.C. 408-7, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 259-1995, eff. Sept. 1, 1995; a. Ord. No. 0037-2009, §§ 5, 6, eff. March 11, 2009)

Sec. 408-9. - Appeal to City Manager.

Whenever the chief of police or his designee shall have refused to authorize a driver's license, the applicant, within 10 days after receiving notice of such refusal may appeal to the city manager. The city manager or person designated by the city manager may either consider such appeal on the evidence produced before the chief of police or his designee or permit the introduction of new evidence and new tests. The decision of the city manager or designee shall be final.

(C.O. 408-5; renumbered to C.M.C. 408-9, eff. Jan. 1, 1972; a. Ord. No. 487-1974, eff. Dec. 20, 1974; a. Ord. No. 0037-2009, §§ 7, 8, eff. March 11, 2009)

Sec. 408-11. - New Application After Denial.

When an applicant has been denied a driver's license, no new application shall be considered for a period of three months.

(C.O. 408-6; renumbered to C.M.C. 408-11, eff. Jan. 1, 1972)

Sec. 408-13. - Driver's Identification Card.

At the time a driver's license is issued, the city treasurer shall issue to the driver an identification card, upon which shall be affixed one of the photographs filed with the chief of police or his designee. The cards shall be numbered consecutively, and the number thereon shall be written on the license receipt issued to the driver. The card shall bear the driver's name, signature, the year in which it was issued and such other pertinent information as the city treasurer may require. Whenever a driver is driving any vehicle for which a public vehicle license (except motor bus) is required, the driver shall ensure that the identification card is continuously displayed within the vehicle operated by the licensee so as to be easily visible to passengers. Such identification card and license shall not be assigned or transferred to any other person.

In addition, drivers of handicapped livery vehicles shall wear a uniform or uniform shirt carrying the driver's name and the name or trade name of the holder of the public vehicle license for the vehicle which he or she drives.

(C.O. 408-8; renumbered to C.M.C. 408-13, eff. Jan. 1, 1972; a. Ord. No. 67-1973, eff. Feb. 14, 1973; a. Ord. No. 264-1982, eff. July 23, 1982; a. Ord. No. 0037-2009, §§ 9, 10, eff. March 11, 2009; Emer. Ord. No. 247-2011, § 8, eff. June 29, 2011)

Sec. 408-15. - Lost Identification Card.

In case of the loss of an identification card, the driver may file with the chief of police or his designee a sworn statement containing the facts of such loss. The chief of police or his designee shall thereupon notify the city treasurer, who shall deliver a new identification card to the driver upon payment of \$10.00. Each driver applying for a duplicate identification card shall supply two photographs of driver of a size designated by the chief of police or his designee, which photographs shall have been taken within the 30 days preceding the date of the application.

(C.O. 408-10; a. Ord. No. 132-1968, eff. May 3, 1968; renumbered to C.M.C. 408-15, eff. Jan. 1, 1972; a. Ord. No. 67-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 11, 12, eff. March 11, 2009; Emer. Ord. 463-2010, § 13, eff. Dec. 30, 2010)

Sec. 408-17. - Repealed.

(C.O. 408-10; a. Ord. No. 132-1968, eff. May 3, 1968; renumbered to C.M.C. 408-17, eff. Jan. 1, 1972; a. Ord. No. 1581978, eff. Apr. 26, 1978; a. Ord. No. 0037-2009, §§ 13, 14, eff. March 11, 2009; r. Emer. Ord. No. 247-2011, § 10, eff. June 29, 2011)

Sec. 408-19. - Renewal of License.

Licenses issued as provided in this chapter, except those issued for drivers of motor buses, shall expire on the last day of February of each year. Licenses issued for drivers of motor buses shall expire on the last day of April of each year. All licenses must be renewed within 31 days after expiration, otherwise application must be made for a new license as provided for original applicants. Applications for renewal shall be made to the chief of police or his designee who shall cause the applicants to be examined to determine the satisfactoriness of their auditory and visual faculties. If such faculties are satisfactory the chief of police or his designee may authorize renewals without further examination. The city treasurer shall issue renewals only upon receipt of notice from the chief of police or his designee. In the event of a refusal to renew a license, the proceedings as to notification and appeal shall be the same as in cases where an original application was denied.

(C.O. 408-12; a. Ord. No. 47-1971, eff. Feb. 10, 1971; renumbered to C.M.C. 408-19, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 15, 16, eff. March 11, 2009)

Sec. 408-21. - Return of Identification Card.

Upon renewal of any driver's license such driver shall return to the city treasurer all identification cards theretofore issued to driver, provided that in the event such identification cards have been lost the applicant shall file an affidavit to that effect with the chief of police or his designee.

(C.O. 408-13; renumbered to C.M.C. 408-21, eff. Jan. 1, 1972; Ord. No. 67-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 17, 18, eff. March 11, 2009)

Sec. 408-23. - Solicitation of Passengers.

No driver of a taxicab shall solicit passengers on the public streets or in quasi-public places either by motion of hand or by word of mouth.

No driver of a taxicab or other employee or agent of a taxicab company shall give or offer to give consideration of any kind or nature to an employee of a hotel, motel, restaurant, or other place of public accommodation for the purpose of inducing that person to direct passengers to a particular taxicab

company or driver's taxicab.

(C.O. 408-15; renumbered to C.M.C. 408-25, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 35-1988, eff. Feb. 10, 1988)

Cross reference— Penalty, § 408-99.

Sec. 408-25. - Smoking Prohibited.

Drivers of motor buses, limousines, taxicabs, handicapped livery vehicles and animal-drawn carriages are prohibited from smoking while carrying passengers.

(C.O. 408-16; a. Ord. No. 132-1968, eff. May 3, 1969; renumbered to C.M.C. 408-25, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 264-1982, eff. July 23, 1982)

Cross reference— Penalty, § 408-99.

Sec. 408-27. - Unauthorized Persons on Public Vehicles.

Whenever any taxicab is occupied by a fare-paying passenger or passengers, or by members of the party of a fare-paying passenger, the driver of such taxicab shall permit no other person to occupy or ride in the vehicle. Whenever any taxicab is unoccupied or not completely occupied, but is seeking business, the driver of such taxicab shall not permit a person who is not intending to pay a fare to occupy or ride in the vehicle.

(C.O. 408-17; renumbered to C.M.C. 408-27, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975)

Cross reference— Penalty, § 408-99.

Sec. 408-29. - Position of Driver.

The driver of any taxicab shall remain in or beside the vehicle at all times when such vehicle is standing upon the public streets.

(C.O. 408-18; renumbered to C.M.C. 408-29, eff. Jan. 1, 1972)

Sec. 408-31. - Change of Address.

Every licensed driver shall have the driver's residence address on file with the chief of police or his designee, and in case of change shall notify the chief of police or his designee in writing immediately.

(C.O. 408-19; renumbered to C.M.C. 408-31, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 19, 20, eff. March 11, 2009)

Sec. 408-33. - Revocation for Defacing License.

No licensed driver shall deface any license, identification card or rate card, or remove, tamper with, or alter a rate card displayed in a public vehicle. In case of any violation of this provision the city treasurer shall, on notification by the chief of police or his designee, revoke the driver's license. Such revocation shall be in addition to any other penalty imposed.

(C.O. 408-20; renumbered to C.M.C. 408-33, eff. Jan. 1, 1972; a. Ord. No. 66-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 21, 22, eff. March 11, 2009)

Cross reference— Penalty, § 408-99.

Sec. 408-35. - Revocations and Appeals for Driving While Intoxicated.

- (a) Conviction of driving while intoxicated while not driving a public vehicle, and on the first offense, may result in a penalty of warning, suspension or revocation of any driver's license issued hereunder. Such penalty shall be determined by a review, by the chief of police, or his designee, of the driving record of such convicted person. In the discretion of the reviewing person, a determination shall be made as to what penalty will best provide for the public safety. Such decision may be appealed to the city manager, or his designee, by filling a written notice of appeal within 10 days of the decision of the chief of police or his designee or within 10 days of the date of passage hereof. Any license holder currently serving under an automatic one-year suspension under the circumstances described in this subsection shall be entitled to a review by the chief of police, or his designee, and a reduction in penalty, if deemed in the public safety by the chief of police or his designee.
- (b) Conviction of driving while intoxicated while not driving a public vehicle for a second time and within one year of a first conviction shall operate as an automatic revocation of any driver's license issued hereunder, and such driver shall not be eligible to receive a new license for a period of one year from the date of such conviction. There shall be no appeal from such revocation.
- (c) Conviction of driving while intoxicated while driving a public vehicle, and on the first offense, shall operate as an automatic revocation of any driver's license issued hereunder; and such driver shall not be eligible to receive a new license for a period of three years from the date of such conviction. There shall be no appeal from such revocation.
- (d) Conviction of driving while intoxicated while driving a public vehicle, and on the second offense, shall operate as an automatic and permanent revocation of any driver's license issued hereunder; and such driver shall not be eligible to receive a new license. There shall be no appeal from such revocation.
- (C.O. 408-21; renumbered to C.M.C. 408-35, eff. Jan. 1, 1972; a. Ord. No. 348-1980, eff. Aug. 6, 1980; a. Ord. No. 0037-2009, §§ 23, 24, eff. March 11, 2009)

Sec. 408-37. - Violation Marks.

For the purpose of regulating licensed drivers, the chief of police or his designee is authorized to establish a system of violation marks for the violation of traffic ordinances and ordinances relating to public vehicles, in accordance with the following classified schedule:

Class I. Four violation marks shall be entered for each conviction of an offense under any of the following sections:

Section 406-67	Full Stop at Railroad Crossing.
Section 407-3	License Fees.
Section 407-35	Insignia.
Section 407-37	Limitations on Use of Public Vehicles.

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Section 407-47	Advertising and Signs.
Section 407-51	Rates of Fare, Methods Permitted.
Section	Rates to be Filed with Director.
407-69	
Section	Rate Card.
407-71	
Section	Rate Receipt.
407-73	
Section	Taximeter Inspection and Fees.
407-77	
Section	Baggage.
407-79	
Section	Immoral Use of Public Vehicle.
407-109	
Section	Driver's License for Buses and Public Vehicles.
408	
Section	Driver's Identification Card.
408-13	
Section	Solicitation of Passengers.
408-23	
Section	Revocation for Defacing License, etc.
408-33	
Section	Police Officer's Signals.
502-9	
Section	Lamps to be Properly Focused.
503-11	
Section	Brakes.
503-34	
Section	Reckless Operation of Vehicles.
506-6	'
Section	Speed.
506-8	·
Section	Through Highways; Stop Street.
506-34	
Section	Traffic Control Signals, Vehicular.
506-40	
Section	Flashing Red Signals.
506-43	
Section	Driving on Left Side of Highway.
506-59	
Section	Driving to Left of Center Line; Clear Distance Ahead.
506-73	2g to 2011 of Contor Ento, Clour Diotarioo / Troda.
Section	Restrictions on Crossing Center Line.
506-74	Treatholions on Orossing Ochter Line.
Section	One-way Streets and Alleys.
507.	One-way oncers and Alleys.
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Section 508-1	Stopping and Parking.
Section 511-10	Reporting Accidents on Public Roads or Highways.

Class II. One violation mark shall be entered for each conviction under any traffic ordinance or ordinance governing public vehicles not included in Class I. Provided, however, that whenever a driver is fined costs, and suspended, then no violation marks shall be given, although the records shall be kept by the chief of police or his designee.

Class III. In addition to violation marks entered on convictions as provided in Classes I and II, the chief of police or his designee may, after hearing, enter marks for minor violation of rules and regulations, not exceeding one mark in any single case.

Whenever a licensed driver receives 12 violation marks in accordance with the schedule herein provided, during any 12-month period, it shall be mandatory upon the chief of police or his designee to notify the city treasurer, who shall suspend the license of the driver for a period of 30 days.

Whenever a licensed driver receives 30 violation marks in any 12-month period it shall be mandatory upon the chief of police or his designee to notify the city treasurer, who shall revoke the license of such driver, and such driver shall not be eligible to receive a new license for a period of one year from the date of such revocation.

(C.O. 408-24; renumbered to C.M.C. 408-37, eff. Jan. 1, 1972; a. Ord. No. 66-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 25, 26, eff. March 11, 2009)

Sec. 408-39. - Notice Regarding Court Cases.

The clerk of the municipal court shall notify the chief of police or his designee, upon forms to be furnished by the chief of police or his designee for that purpose, whenever any licensed driver is charged with or convicted of the violation of any law or ordinance in such a manner as to reflect on the driver's moral character. In addition, the clerk of the municipal court shall notify the chief of police or his designee, upon forms to be furnished by the chief of police or his designee for that purpose, of the conviction of any licensed driver of any violation of any ordinance governing public vehicles, or of any traffic ordinance.

(C.O. 408-26; renumbered to C.M.C. 408-39, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 27, 28, eff. March 11, 2009)

Sec. 408-41. - Revocation for Driving While Suspended.

Whenever a licensed driver is convicted of driving a vehicle for which a driver's license is required during a period for which such driver's license has been suspended, it shall be mandatory upon the chief of police or his designee to notify the city treasurer, who shall revoke the license of such driver, and such driver shall not be eligible to receive a new license for a period of one year from the date of such revocation.

(C.O. 408-28; renumbered to C.M.C. 408-41, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 29, 30, eff. March 11, 2009)

Sec. 408-43. - Revocation for Other Causes.

The city treasurer shall revoke the license of any licensed driver whenever the chief of police or his designee shall recommend revocation for any of the following reasons:

- (a) Licensee having obtained a license by false statements in the application, or upon misrepresentation or upon false statements on the affidavits in applying for a duplicate identification card.
- (b) Licensee having become physically or mentally incapable of driving a vehicle.
- (c) Licensee having been convicted of a felony.
- (d) Licensee having been convicted of a misdemeanor involving moral turpitude.

(C.O. 408-29; renumbered to C.M.C. 408-43, eff. Jan. 1, 1972; a. Ord. No. 66-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 31, 32, eff. March 11, 2009)

Sec. 408-45. - Rules and Regulations.

The chief of police or his designee is hereby authorized and empowered to establish and adopt such additional rules and regulations governing the issuance of licenses to drive taxicabs, omnibuses, motor buses, and handicapped livery vehicles as may be reasonable and necessary and not inconsistent with the provisions of this chapter.

(C.O. 408-31; a. Ord. No. 132-1968, eff. May 3, 1968; renumbered to 408-45, eff. Jan. 1, 1972; a. Ord. No. 489-1974, eff. Jan. 1, 1975; a. Ord. No. 0037-2009, §§ 33, 34, eff. March 11, 2009)

Sec. 408-47. - General Authority of Chief of Police to Revoke.

The chief of police or his designee shall have the continuing jurisdiction as to licenses granted hereunder. In the event of misconduct or acts by a licensed driver which show the driver's to be an unsuitable person to drive a public vehicle, or which would be sufficient to justify the refusal of a license in the case of an original applicant, the chief of police or his designee may notify the city treasurer, who shall revoke a license already granted.

(C.O. 408-32; renumbered to C.M.C. 408-47, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 35, 36, eff. March 11, 2009)

Sec. 408-49. - Notice of Suspension or Revocation.

The city treasurer shall notify the driver of any suspension or revocation of the driver's license, and shall require such driver to turn in the license and identification card. Such notification shall be by registered mail, directed to the last address of the driver on file with the chief of police or his designee.

(C.O. 408-33; renumbered to C.M.C. 408-49, eff. Jan. 1, 1972; a. Ord. No. 67-1973, eff. Feb. 14, 1973; a. Ord. No. 0037-2009, §§ 37, 38, eff. March 11, 2009)

Sec. 408-51. - Appeal from Suspension or Revocation Order.

A driver whose license has been suspended or revoked may, except where the suspension or revocation is mandatory, appeal to the city manager within 10 days after the date of mailing the notice of suspension. The city manager or person designated by the city manager may consider such an

appeal in whatever way may seem best, and the decision thereon shall be final.

(C.O. 408-35; renumbered to C.M.C. 408-51, eff. Jan. 1, 1972; a. Ord. No. 487-1974, eff. Dec. 20, 1974)

Sec. 408-53. - Appeal to Council.

A licensed driver who has had the driver's license revoked three times, shall not be entitled thereafter to make application for a new license except with the approval of the council of the city of Cincinnati.

(C.O. 408-36; renumbered to C.M.C. 408-53, eff. Jan. 1, 1972)

Sec. 408-99. - Penalties.

Any person, driver, owner, agent, or employee who violates any of the provisions of this chapter, for which no other penalty is specified, shall be fined not more than \$100.

For the habitual violation of the provisions of this chapter the city treasurer, upon recommendation of the chief of police or his designee, shall revoke the driver's license.

No penalty shall be imposed upon any person under this section if the person is punished for the same violation under the provisions of Section 406-99 or Section 407-97.

(C.O. 408-38; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 408-99, eff. Jan. 1, 1972; a. Ord. No. 0037-2009, §§ 39, 40, eff. March 11, 2009)